

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JON DISD-YH DOE
Plaintiff,

vs.

**DENTON INDEPENDENT
SCHOOL DISTRICT**
Defendant.

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§ CIVIL ACTION NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW, Plaintiff **JON DISD-YH DOE** to file this "Plaintiff's Original Complaint" against the Defendant as follows:

PREAMBLE

Plaintiff Jon was a student attending Defendant Denton ISD with strong educational drives with college as an integral part of Jon's future. Most unfortunately, Defendant took intentional acts to bully and target Jon and allowed other students to bully and target Jon. After pursuing the non-judicial remedies available (only to be rejected by Defendant), Plaintiff now seeks damages for the harm caused by Defendant.

A. NATURE OF THE SUIT

1. Plaintiff Jon (defined hereafter) is a male who was a student attending Defendant Denton-ISD (defined hereafter) with a direct path to college and a life without any foreseeable pain or anxiety resulting from bullying and physical assaults. Jon's future; however, was forever changed

by the bullying and targeting of Jon, and retaliation against Jon, by administrators and educators employed by Defendant Denton-ISD, which then caused Jon to be physically assaulted by other students, while Jon's school administrators did nothing except join in the bullying and targeting and watched. As a result of such intentional bullying, targeting, retaliation, and assaults, Jon's future career and employment opportunities were forever limited while Jon continues to struggle with what can only be described as PTSD, and other physical ailments, stemming from the bullying, targeting and ensuing physical assaults.

2. Plaintiff Jon now files this original action for damages pursuant to:

42 U.S.C. § 1983 as to:

Defendant Denton-ISD's denial (under the color of law) of Plaintiff Jon's equal protection, procedural due process violations, and substantive due process rights granted by the Fourteenth Amendment to the U.S. Constitution.

B. PARTIES

3. Plaintiff **JON DISD-YH DOE** ("Jon") is an individual residing in the State of Texas. Because of the privacy issues involved in this matter, Jon is hereby exercising Jon's rights to proceed with this matter anonymously.

4. The need to protect the identity of Plaintiff Jon does not hinder the defense of this matter by Defendant Denton-ISD, for the facts are well known to the Defendant Denton-ISD. When applying the applicable tests (created by jurisprudence applicable to this Court) to balance the needed protection of privacy versus any inconvenience to a defendant, the protection of Jon's privacy prevails.

5. At such time as the Court might agree on procedures designed to protect the privacy of Plaintiff Jon, Jon's identity shall be disclosed.

6. Defendant **DENTON INDEPENDENT SCHOOL DISTRICT** ("Denton-ISD") is a public school district operating in the State of Texas as a political subdivision of the state of Texas. Defendant Denton-ISD may be served with process herein by personal delivery to Defendant Denton-ISD's Superintendent of Schools as follows:

**Denton Independent School District
Dr. Jamie Wilson, Superintendent
1307 N. Locust Street
Denton, Texas 76201**

C. JURISDICTION

7. This Court has original jurisdiction over this matter pursuant as involving a *federal question* proceeding arising under: 42 U.S.C. § 1983 ("Section 1983"). Further, this Court may exercise supplemental jurisdiction

over Plaintiff Jon's negligence claims arising under Texas law pursuant to 28 U.S.C. § 1367.

D. VENUE

8. Venue for this action is proper in the Eastern District of Texas, Sherman Division, in that all or a substantial portion of the acts or omissions complained of herein occurred in Denton County, Texas, which is within the Sherman Division.

E. FACTUAL ALLEGATIONS

Who is Plaintiff Jon?

9. Plaintiff Jon is presently an adult, but was at all times relevant to the claims and causes of action asserted herein was a student enrolled with Defendant Denton-ISD.

10. Plaintiff Jon had a heart as large as the Blue-Sky above him and never was involved with drugs or alcohol.

11. Indicative of Plaintiff Jon's generosity and love for others was the time Jon pulled off the highway one day, to offer assistance to a police officer that was changing the tire of another highway traveler.

12. Plaintiff Jon performed Christian missionary work and assistance to Trinidad one summer and would even make jail visits to persons unknown to Jon, but in great need of a friendly voice.

13. Plaintiff Jon scored within the top one percent (1%) nationally in science and held serious plans for college.

14. Most unfortunately, Defendant Denton-ISD had other plans for Plaintiff Jon.

Bullying, Targeting, and Retaliation.

15. For reasons unknown, Plaintiff Jon became the victim of verbal and physical bullying by other students attending Defendant Denton-ISD.

16. Such bullying and assaults occurred in the bathrooms, hallways, and even in the classrooms where Plaintiff Jon attended school with Defendant Denton-ISD.

17. After being repeatedly informed of the bullying and physical assaults, the administrators at Plaintiff Jon's school elected to retaliate against Plaintiff Jon rather than keeping Jon safe.

18. In addition to not making any efforts to stop the bullying and targeting of Plaintiff Jon, Jon's educators employed by Defendant Denton-ISD retaliated for Jon making complaints by repeatedly filing truancy charges against Jon.

19. The result of the bullying, assaults, and retaliation resulted in deep continuing depression and anxiety for Plaintiff Jon which included suicidal thoughts and tendencies leading to in-patient treatment.

20. The Plaintiff Jon that did so well in science and wanted to attend college is long gone. Even with the utmost care, it is unlikely that the original Jon can ever be found amidst the victim Jon became at the hands of Defendant Denton-ISD.

21. Having to endure the foregoing bullying, assaults, targeting, and retaliation, Plaintiff Jon was denied the full educational opportunities otherwise available to Jon while enrolled with Defendant Denton-ISD.

22. Notwithstanding that Jon continues to do the best Jon possibly can, notwithstanding the deep depression and continuing anxiety Jon is experiencing as a result of the actions of Defendant Denton-ISD, including the physical assaults, Jon's future educational and professional career were forever altered.

Defendant Denton-ISD's Deliberate Indifference towards Jon.

23. Defendant Denton-ISD's foregoing actions towards Plaintiff Jon affirm Defendant Denton's conscious disregard of the known and substantial and excessive risk to Jon's health and safety, at a level that is shockingly unconscionable.

Defendant Denton-ISD's Action Under the Color of State Law.

24. Defendant Denton-ISD's administrators participating and causing the injury to Plaintiff Jon, are the applicable persons delegated with

implementing and were implementing the policies and customs of Defendant Denton-ISD when harming Jon.

25. Further, if such policies are not, in fact written, each of the administrators participating and causing the injury as to Plaintiff Jon were implementing the policies and customs of Defendant Denton-ISD in accord with the customs and practices of Defendant Denton-ISD.

Administrative Remedies.

26. Although there are no administrative remedies required prior to seeking relief under the laws being invoked herein by Plaintiff Jon, Jon did, in fact, attempt to pursue all administrative remedies known to Jon and Jon's parents. No one at Defendant Denton-ISD was ever listening though.

27. If any other administrative remedy was available and not pursued by Plaintiff Jon, the actions of Defendant Denton-ISD have shown that such efforts would have been futile.

28. Further, Defendant Denton-ISD does receive funding from the United States of America.

29. As a result of the foregoing described actions committed by Defendant Denton-ISD against Plaintiff Jon, Jon was forced to engage an attorney and pursue this action to redress such wrongs.

30. All conditions precedent to the filing of this lawsuit have occurred.

F. PLAINTIFF'S CAUSES OF ACTION

31. Plaintiff incorporates by reference the facts set forth in Article E: FACTUAL ALLEGATIONS hereof.

COUNT ONE- 42 U.S.C. § 1983

32. Section 1983 of Title 42 of the United States Code provides, in part:

“Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, and citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...”

33. The facts set forth herein demonstrate that Plaintiff Jon has been deprived of Jon's (a) right to bodily integrity guaranteed by the 14th Amendment to the U.S. Constitution, (b) substantive and procedural due process rights to redress Jon's injuries as such rights are guaranteed by the 14th Amendment to the U.S. Constitution, (c) equal protection rights guaranteed by the 14th Amendment to the U.S. Constitution, and (d) to exercise his First Amendment rights to publically seek redress for wrongs,

free of fee of retaliation, such foregoing deprivations being actionable under 42 U.S.C. § 1983.

34. Pleading further, Defendant Denton-ISD having been notified of the specific facts and circumstances plead herein during the Plaintiff Jon's exhaustion of administrative remedies, has ratified and affirmed the actions of Defendant Denton-ISD.

35. Plaintiff Jon has been directly and proximately harmed by the Defendant Denton-ISD's acts and omissions as plead herein, and has suffered damages for violations of the constitutional rights, including but not limited to physical pain and mental anguish, medical expenses, and loss of opportunity in future educational and professional endeavors.

36. Plaintiff Jon, therefore, now seeks compensatory damages from Defendant Denton-ISD pursuant to 42 U.S.C § 1983, as well as attorneys' fees pursuant to 41 U.S.C. § 1988.

COUNT TWO-NEGLIGENCE

37. The facts set forth herein as to Plaintiff Jon further show that Defendant Denton-ISD intentionally bullied, targeted, and retaliated against Jon as well as allowing Jon to be bullied and physically assaulted by others, thereby directly creating and causing Jon to be physically assaulted.

38. Further, the facts set forth therein show that acts and omissions of Defendant Denton-ISD directed towards Plaintiff Jon were negligent, in that Defendant Denton-ISD failed its duty of care to meet the standards of conduct that would be exercised by a reasonable person in the same or similar circumstances.

39. As a direct and proximate result of Defendant Denton-ISD's acts and omissions, Plaintiff Jon has suffered injuries, including but not limited to physical pain and mental anguish, medical expenses, and loss of opportunity in future educational and professional endeavors. Plaintiff Jon, therefore, now seeks compensatory damages for such injuries.

COUNT THREE: PUNITIVE DAMAGES

40. Defendant Denton-ISD's actions against Plaintiff Jon in violation of Section 1983 were intentional and willful, or at a minimum, were committed with a lack of regard for, or with reckless indifference to, Plaintiff Jon's federally protected rights, thereby entitling Jon to punitive damages pursuant to Section 1983, for which Plaintiff Jon now seeks.

COUNT FOUR: POST JUDGMENT INTEREST

41. Plaintiff Jon also requests post judgment interest as may be allowed by applicable law.

COUNT FIVE: ATTORNEYS' FEES

42. Plaintiff Jon should be awarded Plaintiff Jon's reasonable and necessary attorneys' fees incurred in relation to the foregoing as allowed by applicable law.

G. REQUEST FOR JURY

43. Plaintiff hereby requests that a jury be empaneled, and, that the foregoing causes of actions and requests for relief be presented thereto.

H. PRAYER FOR RELIEF

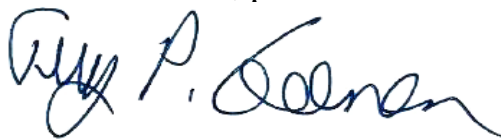
44. Wherefore, premises considered, Plaintiff Jon prays that upon final consideration of this matter that Plaintiff Jon have judgment against Defendant Denton-ISD for:

- a. Monetary damages;
- b. Reasonable and necessary attorneys' fees;
- c. Taxable expenses of litigation and costs of court;
- and,
- d. Post-judgment interest at the maximum lawful rate.

45. Plaintiff Jon further prays that Plaintiff Jon receive such other and further relief to which Jon may be justly entitled.

Respectfully submitted,

Gorman Law Firm, pllc

A handwritten signature in blue ink, appearing to read "Terry P. Gorman", is written over a horizontal line.

By: _____

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